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**To :**

Name	Company	Fax	Phone
Examiner Vi. X. Nguyen	U.S. Patent and Trademark Office	(703) 872-9306	

If you experience problems receiving this fax, please call Safiya Jarvis at 617.517.5548.

**Message :**

U.S.S.N.: 09/943,751

Art Unit: 3731

Dear Examiner Nguyen:

Enclosed please find the Letter to Examiner, Notice of Appeal, Response to Final Office Action and the Auto-Reply Facsimile Transmission received from the U.S. Patent and Trademark Office. If you have any questions, please do not hesitate to contact me.

**Fax**

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PAGE 1/43 \* RCVD AT 10/15/2004 11:38:32 AM [Eastern Daylight Time] \* SVR:USPTO-EFXXRF-1/0 \* DNIS:8729306 \* CSID:617 439 4170 \* DURATION (mm:ss):09:58

Attorney Docket No. 56,436 (71699)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 15 2004

APPLICANTS D. Stoianovici, et al. EXAMINER: Nguyen, Vi. X.  
U.S.S.N.: 09/943,751 ART UNIT: 3731  
FILED: August 30, 2001 CONFIRMATION 8459  
FOR: CONTROLLABLE MOTORIZED DEVICE FOR PERCUTANEOUS  
NEEDLE PLACEMENT IN SOFT TISSUE TARGET AND METHODS AND  
SYSTEMS RELATED THERETO

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

.....

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to (703) 872-9306 at the U.S. Patent and Trademark Office on October 15, 2004.

By: 

Safiya Jarvis

.....

**LETTER TO EXAMINER**

Sir:

During a telephone conference with the USPTO (Mr. Nguyen) on October 14, 2004, regarding the subject application; the undersigned was advised that the Examiner had not received any response to the outstanding Final Office Action and that there was no indication in the PTO records that a Response had been received at the art unit. The undersigned indicated that a Response had been filed along with a Notice of Appeal in August 2004. As such, Applicants were requested to re-send the Amendment/ Reply and other papers filed therewith to the USPTO along with a Letter to Examiner regarding the same.

In this regard, the undersigned would note that the documents had been filed by facsimile.

Applicant: D. Stoianovici, et al.  
U.S.S.N.: 09/943,751  
Letter to Examiner  
Page 2 of 2

Accordingly, enclosed herewith please find a copy of the following:

- (a) the Response to Final Office Action dated August 23, 2004
- (b) Response Transmittal including petition for extension of time dated August 23, 2004
- (c) Notice of Appeal dated August 23, 2004
- (d) USPTO Auto-Reply Facsimile Transmission dated August 23, 2004 acknowledging receipt of the facsimile.

Applicants respectfully request the Examiner to call the undersigned collect and the below number in the event that the any of the above needs to be again submitted by Applicant for the Examiner's consideration.


It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

Applicants believe that additional fees are not required for consideration of the within Letter to Examiner. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. 04-1105.

Respectfully submitted,  
Edwards & Angell, LLP

Date: October 15, 2004

By:

  
William J. Daley, Jr.  
(Reg. No. 35,487)  
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P. 01

TRANSACTION REPORT

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AUG-23	08:15 PM	USPTO	48" (1)	1	RECEIVE	OK		

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Practitioner's Docket No. 56436 (71699)

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: D. Stoianovici, et al

Conf. No.: 8459

Application No.: 09/943,751

Group: 3731

Filed: August 30, 2001

Examiner: Nguyen, Vi X

For: CONTROLLABLE MOTORIZED DEVICE FOR PERCUTANEOUS NEEDLE  
PLACEMENT IN SOFT TISSUE TARGET AND METHODS AND SYSTEMS RELATED  
THERE TO

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE UNDER  
37 C.F.R. §1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 3731**

1. Transmitted herewith is  
(a) an Amendment for this application, and  
(b) a Notice of Appeal for this application.

**CERTIFICATE OF MAILING**

I hereby certify that, on the date shown below, this correspondence is being:

**EXPRESS MAILING**

- ☐ deposited with the United States Postal Service with sufficient postage as Express Mail (Mail Label No. EV 000 000 000 US in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: August 23, 2004

**FACSIMILE**

- ☒ transmitted by facsimile to the Patent and Trademark Office (703) 872-9306.

Signature William J. Dalcy, Jr.  
William J. Dalcy, Jr.

(Amendment Transmittal—page 1 of 4)

**STATUS**

2.

- ☒ a small entity. A statement:  
    ☐ is attached.  
    ☐ was already filed.  
☐ other than a small entity.

3.

**EXTENSION OF TERM**

4. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

*(complete (a) or (b), as applicable)*

- (a) ☒ Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/>	two months	\$ 420.00	\$ 210.00
<input type="checkbox"/>	three months	\$ 950.00	\$ 475.00
<input type="checkbox"/>	four months	\$ 1,480.00	\$ 740.00

Fee: \$ 210.00

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 110.00

**OR**

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

(Amendment Transmittal—page 2 of 4)

**FEE FOR CLAIMS**

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

[Col. 1] [Col. 2] [Col. 3] Small Entity Other Than a  
Small Entity

Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Additional Fee	Rate	Additional Fee
Total 53	Minus 55	=0	x \$ 9 =	\$0.00	x \$ 18 =	\$0.00
Indep.8	Minus 6	=2	x \$43 =	\$86.00	x \$ 86 =	\$0.00
[ ] First Presentation of Multiple Dependent Claim				+\$145 = \$0.00		+ \$290 = \$0.00
				<b>Total Addit. Fee:</b> <b>\$86.00</b>		<b>Total Addit. Fee \$</b>

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,  
 \*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".  
 \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".  
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** "After final rejection or action (§ 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. § 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

- (c) [ ] No additional fee for claims is required.

OR

- (d) [ **XX** ] Total additional fee for claims required **\$86.00**

**FEE PAYMENT**

6. [ ] Attached is a check in the sum of \$0.00.  
 [ **XX** ] Charge Account No. 04-1105 the sum of \$296.00

(Amendment Transmittal—page 3 of 4)



**FEE DEFICIENCY**

7. ☒ If any additional extension and/or fee is required, charge Account No. 04-1105.

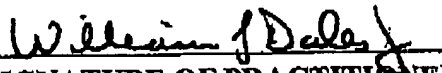
**AND/OR**

- ☒ If any additional fee for claims is required, charge Account No. 04-1105.

Tel. No.(617) 439-4444

Date: August 9, 2004

Customer No. 21,874

  
**SIGNATURE OF PRACTITIONER**  
William J. Daley, Jr. (Reg. 35,487)  
Edwards & Angell, LLP  
PO BOX 55874  
Boston, MA 02205

BOS2\_454253.1

(Amendment TransmittalXpage 4 of 5)